

## United States District Court

for the

## Eastern District of New York

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Edward MaulellaCase Number CR-02-1280Name of Sentencing Judicial Officer: The Honorable Allyne R. Ross, U.S. District JudgeDate of Original Sentence: April 13, 2005Original Offense: 18 USC 371; Conspiracy to Defraud the United States, a class D felonyOriginal Sentence: 5 years probation; Search condition; \$100 Special AssessmentType of Supervision: ProbationDate Supervision Commenced: April 13, 2005

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**PETITIONING THE COURT**

To extend the term of supervision for years, for a total term of \_\_\_\_\_ years.

To modify the conditions of supervision as follows:

The defendant shall participate in an outpatient and/or inpatient drug treatment or detoxification program approved by the Probation Department. The defendant shall pay the costs of such treatment/detoxification to the degree he or she is reasonably able, and shall cooperate in securing any applicable third party payment, such as insurance or medicare. The defendant shall disclose all financial information and documents to the Probation Department to assess his or her ability to pay. The defendant shall not consume any alcohol or other intoxicants during and after treatment/detoxification, unless granted a prescription by a licensed physician and proof of same is provided to the Probation Department. The defendant shall submit to drug testing during and after treatment to ensure absence from drugs.

CAUSE

On April 13, 2005 the offender submitted urinalysis which tested positive for the presence of tetrahydrocannabinol (THC). When confronted with this positive result on May 3, 2005, the offender advised that the positive result was caused by Sustiva, a medication that he is prescribed.

The undersigned officer then spoke with a technician from Scientific Testing Laboratories. The technician advised that the sample was confirmed positive for cannabinoids, which could only be caused by the use of marijuana. During an interview on June 6, 2005 the offender disclosed the use of marijuana a few days prior to his sentencing, stating that he smoked the marijuana to help cope with the stress of his pending legal issues. We directed the offender to refrain from any additional drug use and suggested alternative methods to deal with stress. The offender was also registered in a random drug testing program. As reflected in the attached "Waiver of Hearing to Modify the Conditions of Probation", the offender has agreed to participate in a substance abuse treatment program.

Based upon the offender's willingness to participate in treatment if needed, the Probation Department recommends that the Court modify the conditions of supervision to include substance abuse treatment.

Respectfully submitted by,



Eric J. Macolino

Senior U.S. Probation Officer

Date: June 27, 2005

Approved by,



Eileen Kelly

Deputy Chief U.S. Probation Officer

Date: 6/27/05

THE COURT ORDERS:

- No Action
- The Extension of Supervision as Noted Above
- The Modification of Conditions as Noted Above
- Other

*R.D.*  
Signed  
by  
J. Ross  
on 7/11/05

Signature of \_\_\_\_\_

*7/11/05*

Date

**United States District Court**  
**EASTERN DISTRICT OF NEW YORK**

**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

*The defendant shall participate in an outpatient and/or inpatient drug treatment or detoxification program approved by the Probation Department. The defendant shall pay the costs of such treatment/detoxification to the degree he or she is reasonably able, and shall cooperate in securing any applicable third party payment, such as insurance or medicare. The defendant shall disclose all financial information and documents to the Probation Department to assess his or her ability to pay. The defendant shall not consume any alcohol or other intoxicants during and after treatment/detoxification, unless granted a prescription by a licensed physician and proof of same is provided to the Probation Department. The defendant shall submit to drug testing during and after treatment to ensure absence from drugs.*

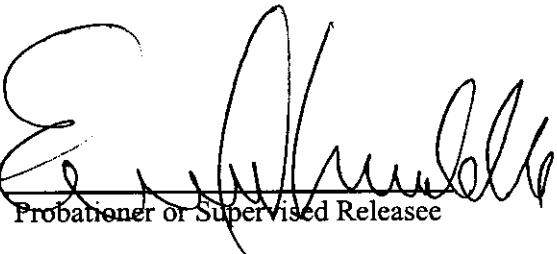
Witness:



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U.S. Probation Officer

Signed:



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Probationer or Supervised Releasee

TJWR 6/2005  
Date